

**PINCONNING TOWNSHIP
BAY COUNTY, MICHIGAN
ORDINANCE AUTHORIZING AND PERMITTING
RECREATIONAL MARIHUANA ESTABLISHMENTS
ORDINANCE NO. 18-02**

At a regular meeting of the Township Board of Pinconning Township, Bay County, Michigan, held at the Pinconning Township Hall on Nov 13, 2018, at 4 p.m., Township Board Member Hribek moved to adopt the following Ordinance, which motion was seconded by Township Board Member Beck:

An Ordinance to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, which authorizes the licensing and regulation of Marihuana Establishments and affords the Township the option whether or not to allow Marihuana Establishments; to regulate Marihuana Establishments by requiring a Permit and compliance with requirements as provided in this Ordinance, in order to maintain the public health, safety and welfare of the residents and visitors to the Township.

THE TOWNSHIP OF PINCONNING ORDAINS:

Section 1. Definitions. The following words and phrases shall have the following definitions when used in this Ordinance:

1. “*Application*” means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the “*Applicant*.”
2. “*Clerk*” means the Pinconning Township Clerk or his/her designee.
3. “*Cultivate*” means as that term is defined in Initiated Act 1 of 2018, Michigan Regulation and Taxation of Marihuana Act (“MRTMA”).
4. “*Marihuana Establishment*” or “*Establishment*” means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business Licensed by the department.
 - a. “*Marihuana grower*,” as that term is defined in the MRTMA; and
 - b. “*Marihuana microbusiness*,” as that term is defined in the MRTMA; and
 - c. “*Marihuana processor*,” as that term is defined in the MRTMA; and
 - d. “*Marihuana retailer*,” as that term is defined in the MRTMA; and
 - e. “*Marihuana secure transporter*,” as that term is defined in the MRTMA.

- f. “*Marihuana safety compliance facility*,” as that term is defined in the MRTMA.
5. “*Department*” means the Michigan State Department of Licensing and Regulatory Affairs or any designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Marihuana Establishment.
 6. “*License*” means a current and valid License for a Marihuana Establishment issued by the State of Michigan.
 7. “*Licensee*” means a Person holding a current and valid Michigan License for a Marihuana Establishment.
 8. “*Permit*” means an approval issued by the Township pursuant to the MRTMA that allows a Person to operate an Establishment in the Township under this Ordinance, which Permit may be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.
 9. “*Permit Holder*” means the Person that holds a current and valid Permit issued under this Ordinance.
 10. “*Permitted Premises*” means the particular building or buildings within which the Permit Holder will be authorized to conduct the Establishment’s activities pursuant to the Permit.
 11. “*Permitted Property*” means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
 12. “*Marihuana*” means that term as defined Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106 and as defined in the MRTMA.
 13. “*Person*” means a natural person, company, partnership, trust, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
 14. “*Process*” or “*Processing*” means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
 15. “*Public Place*” means any area to which the public is invited or generally permitted in the usual course of business.
 16. “*Township*” means Pinconning Township, a general law township located in Bay County, Michigan.

Section 2. Permit Required; Number of Permits Available; Eligibility; General Provisions.

1. The Township hereby authorizes the operation of the following types of Marihuana Establishments, subject to the number of available Permits issued in this Section:
 - a. MRTMA Marihuana Growers, Class A - cultivation of not more than 100 marihuana plants; and
 - b. MRTMA Marihuana Growers, Class B - cultivation of not more than 500 marihuana plants; and
 - c. MRTMA Marihuana Growers, Class C - cultivation of not more than 2,000 marihuana plants; and
 - d. Marihuana microbusiness; and
 - e. Marihuana Processors; and
 - f. Marihuana Retailer; and
 - g. Marihuana Safety Compliance Facilities; and
 - h. Marihuana Secure Transporters.

2. The number of Marihuana Establishment Permits in effect at any time shall not exceed the following maximums within the Township:
 - a. Marihuana Grower Permits, Class A: **Up to 5**
 - b. Marihuana Grower Permits, Class B: **Up to 5**
 - c. Marihuana Grower Permits, Class C: **As determined by the Township Board**
 - d. Marihuana Microbusiness Permits: **Up to 5**
 - e. Marihuana Processor Permits: **Up to 10**
 - f. Marihuana Retailer Permits: **Up to 10 (not including bonus permits; see below)**
 - g. Marihuana Safety Compliance Facility Permits: **Up to 4**
 - h. Marihuana Secure Transporter Permits: **Up to 4**
 - i. An Applicant for one of the above Class C Marihuana Grower Permits, when located in the Township's Downtown Development District, may apply for and the Township Board may grant to that Applicant a bonus Marihuana Retailer Permit when the latter is proposed to be located on the same premises as Applicant's Class C Marihuana Grower

Permit, except that not more than 10 Marihuana Retailer Permits shall be issued to the applicant.

- j. The Township Board may review and amend the above maximums by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a Permit previously issued.
3. No Permit shall be issued to any Person under this Ordinance unless the Person has previously obtained and currently holds a permit under Pinconning Township Ordinance 17-01, as amended, except for any Person applying for a Marihuana Grower Class A Permit, Marihuana Microbusiness, or Marihuana Safety Compliance Facility.
 - a. No Marihuana Grower Permit under this Ordinance shall issue or be renewed to any Person unless the Person has a Pinconning Township Grower Permit under Ordinance 17-01 and a State License (of any class) under the MMFLA, except for any Marihuana Grower Class A Permit.
 - b. No Marihuana Processor Permit under this Ordinance shall issue or be renewed to any Person unless the Person has a Pinconning Township Processor Permit under Ordinance 17-01 and State License as a Processor under the MMFLA.
 - c. No Marihuana Retailer Permit shall issue or be renewed to any Person unless the Person has a Pinconning Township Provisioning Center Permit under Ordinance 17-01 and State License as a Provisioning Center under the MMFLA.
 - d. No Marihuana Secure Transporter Permits under this Ordinance shall issue or be renewed to any Person unless the Person has a Pinconning Township Secure Transporter Permit under Ordinance 17-01 and State License as a Secure Transporter under the MMFLA.
 4. No Person shall operate a Marihuana Establishment at any location within the Township unless a then-currently-effective Permit for a Marihuana Establishment for that Person at that location has been issued under this Ordinance.
 5. Marihuana Establishments shall operate only as expressly allowed under this Ordinance.
 6. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other Licensing or Permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
 7. At the time of Application, each Applicant shall pay Application fees, annual fees, renewal fees and inspection fees for Permits to the Township to defray the costs incurred by the Township for inspection, administration, review, oversight, and enforcement of the local regulations regarding Marihuana Establishments. The Township Board shall by resolution set the required fees in an amount not to exceed any limitations imposed by Michigan law.
 8. A Permit or Renewal Permit shall remain valid only until the June 1 immediately following its approval. A completed Application or Renewal Application must be received by the

Township Clerk no later than March 31 of each year in order to grant or renew the Permit effective June 1 of that year, except as otherwise provided for a delayed Renewal Application. A Permit and Renewal Permit shall confer a reasonable expectation of subsequent renewal unless:

- a. A renewal has been denied by the State.
 - b. The Applicant has been found to have defrauded the Township, has committed a material violation of this Ordinance, has lost the state License, or is causing a nuisance to the public health, safety, or general welfare.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
 10. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or Township Permit.
 11. No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Ordinance and other applicable Ordinances and has been granted a Permit under this Ordinance by the Township Board. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.
 12. The original and current Permit issued under this Ordinance shall at all times be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement officials and administrative authorities.
 13. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents, employees, agents, and representatives for any state, federal or local law enforcement agency to conduct random and unannounced examinations of the Establishment and all records, materials, and property in that Establishment at any time to review compliance with this Ordinance, state law, any other local regulations, and the Permit.
 14. A Permit Holder may not engage in any other Marihuana Establishment in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.

Section 3. Other Laws and Ordinances. In addition to the terms of this Ordinance, any Marihuana Establishment shall comply with all laws, regulations and Ordinances, including without limitation the Township Zoning Ordinance and the MRTMA.

Section 4. Application for, Renewal of, and Transfer of Permits

1. **Application.** An Application for a Permit for an Establishment shall be submitted to the Clerk, and shall contain the following information, at a minimum:
 - a. The name, address, phone number and e-mail address of the proposed Permit Holder and the proposed Marihuana Establishment;
 - b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Marihuana Establishment;
 - c. One (1) copy of all the following:
 1. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Marihuana Establishment shall be provided to the Township.
 2. If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, it shall indicate its legal status, attach a copy of all company formation documents (including amendments), identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the proposed Establishment, proof of registration with the State of Michigan, and a certificate of good standing.
 3. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Establishment.
 4. Evidence of a valid sales tax license for the Applicant if such a license is required by state law or local regulations.
 5. Application for Sign Permit, if any sign is proposed.
 6. Non-refundable Application fee.
 7. Business and Operations Plan, showing in detail the Marihuana Establishment's proposed plan of operation, including without limitation, the following:
 - i. A description of the type of Establishment(s) proposed and the anticipated or actual number of employees.
 - ii. A security plan meeting the requirements of Section 5 of this Ordinance, which shall include a general description of the security systems(s), current centrally

alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.

- iii. A description by category of all products proposed to be sold.
 - iv. All Material Safety Data Sheets for any nutrients, pesticides, and other chemicals proposed for use in the Marihuana Establishment.
 - v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no abatable nuisance odor will be detectable at the property line of the Permitted Premises.
 - vi. A plan for the disposal of Marihuana and related byproducts that will be used at the Establishment.
- 8. Identify any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Establishment.
 - 9. Whether the Applicant has ever applied for or been granted denied, restricted, suspended, revoked, or not renewed any commercial License, Permit, or certificate issued by a licensing authority in Michigan or any other jurisdiction, and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
 - 10. Site plan and interior floor plan of the Permitted Premises and the Permitted Property lawfully signed and sealed by a Michigan registered architect, surveyor or professional engineer.
 - 11. A complete list of all marihuana Permits and Licenses held by the Applicant, including complete copies of the issued Permits and Licenses.
 - 12. Information regarding any other Marihuana Establishment or Commercial Medical Marihuana Facility, or similar License that the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each such operation.
- d. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
 - e. Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure under state law, to the extent permitted by the Michigan Freedom of Information Act.

- f. Applicant acknowledges and consents to a background check and investigation by the Township as a condition of the Township processing and reviewing the application for approval or denial of a Permit.
 - g. A Renewal Application may expressly incorporate by reference information or documentation contained in the original Permit Application or prior Permit Renewal Application, while making clear where such information or documentation can be found, provided that the information or documentation has not changed.
 - h. Prior to the approval or renewal of an Application for a Marihuana Grower Permit, an Applicant may amend the Class of the Marihuana Grower Permit Application by submitting an application form and expressly incorporating by reference the information or documentation contained in the original Permit Application. The Township may impose a fee as established by resolution. The Applicant will be required to show proof of a valid state License allowing operation of the new class of Marihuana Grower Permit prior to operation.
2. **Renewal Application.** The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. Renewal Applications shall be submitted to and received by the Clerk not less than ninety (90) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a complete Renewal Application has not been received by the expiration date shall be presumed to have determined not to seek renewal; provided, such Permit Holder may rebut the presumption and apply for the right to file a delayed Renewal Application, which shall be granted by the Township unless the Applicant does not meet Section 2(8)(b). The application for the right to file a delayed Renewal Application must be filed by the expiration date, and the applicable fees shall be paid at the time of the delayed application, and the pre-existing Permit shall thereupon be extended until action is taken on the delayed Renewal Application, but no longer than 12 months after the expiration date.
3. **Transfer Application.**
- a. The same requirements that apply to all new Applications for a Permit apply to all Applications to transfer an existing Permit to a new legal entity or individual(s). No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property, and only after the transferee has applied for and obtained approval for the transfer, including without limitation the payment of the same fees for the transferred Permit as apply for a new Permit.
 - b. No Permit Holder shall transfer any ownership interest in a Permit without first obtaining the express approval of the Township Board, after submitting a new Application for a Permit, including payment of any fees as would apply for a new Permit. Any unauthorized transfer or attempted transfer of an ownership interest in a Permit constitutes a violation of this Ordinance.

4. **Transfer of Control of a Permit Holder.**

- a. No Permit Holder shall transfer, sell, or otherwise convey more than 1% of the ownership interest in entity owning the Permit, whether in a single transaction or the sum of multiple transactions, without the express approval of the Township Board.
- b. The Applicant and Permit Holder must submit a change in control transfer Application to the Clerk prior to any sale or transfer of stock or membership interest. The Application shall include all of the following:
 1. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Marihuana Establishment;
 2. If the Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, attach a copy of all company formation documents (including amendments), purchase agreement for stock or membership interest, and a certified copy of the meeting minutes of the board of directors or members authorizing the sale of stock or membership interest.
 3. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Establishment.
 4. Whether any Applicant has ever applied for or has been granted any commercial License or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
 5. Information regarding any other Marihuana Establishment or Commercial Medical Marihuana Facility, or similar License that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Establishment.
 6. A non-refundable Application fee, as set by resolution by the Board.
 7. Any documents required to reflect that the Marihuana Establishment will be operated and managed consistent with the current filings provided to the Township.
 8. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
- c. If, prior to the approval of an Application, an individual Applicant wishes to substitute a different Person as Applicant; or an Applicant that is a corporation, non-profit organization, limited liability company or any other entity other than a natural person,

seeks to undergo a change in ownership greater than 1%, the current Applicant may submit a written request to the Clerk to amend the Application. Upon approval by the Clerk, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits any documents required under Section 4(1). The Township Board may set a fee by resolution for such a change.

- d. The following actions constitute transfer of ownership and require a new application, application fee, and Township Board approval:
 1. *Persons*. Any transfer of more than 1% of an ownership interest in an Applicant of Permit Holder between Persons constitutes a transfer of ownership.
 2. *Corporations*. Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.
 3. *Limited Liability Companies*. Any transfer of more than 1% of membership interest or any change in managing members or change in the interest held by any managing members(s) of any limited liability company holding a Permit constitutes a transfer of ownership.
 4. *Partnerships*. Any transfer of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.
 5. *Assets*. Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the Township constitutes a transfer of ownership.
5. **Approval, Issuance, Denial and Appeal**. All inspections, review and processing of the Application, including transfer Applications, shall be completed within ninety (90) days of receipt of a complete Application and all required fees. The Township Board shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises is proposed to be amended. The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. The Township has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Township Board. A determination of a complete Application shall not prohibit the Township from requiring supplemental information. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that:
 - a. For denial of a new Permit, an appeal shall not grant any rights to an Applicant; and

- b. For denial of a Renewal Application, if the Applicant has paid all required fees, including additional fees due during the pendency of the appeal, the previous Permit shall be extended during the pendency of the appeal, unless otherwise ordered by a court.
6. **No Building Currently Existing.** Any Applicant for a Marihuana Establishment Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval to commence construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to thereafter complete construction and commence business operations without unreasonable delay.
7. **Effect of Transfer.**
- a. Immediately following the approval of a transfer of ownership by the Township Board, the transferee(s) will obtain all the interests, rights, obligations, and responsibilities of the previous Permit Holder. Once a Permit Holder has transferred his or her ownership interest, any privileges enjoyed by that Permit Holder under this Ordinance are terminated.
 - b. For transfers under Section 4(3), the deadlines for expiration and renewal for a transferred Permit will run from the date the transfer was effectuated.
 - c. For transfers under Section 4(4), the renewal and termination dates of the Permit shall not change.
 - d. For transfers under Section 4(3) where no building is yet in existence, the deadline for construction set forth in Section 4(6) shall be extended to one year immediately following the date the transfer is approved, but construction must commence within three years after the Township's initial approval of the Permit, regardless of any subsequent transfers.
8. **Duty to Supplement.**
- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MRTMA, or any rule or regulation promulgated thereunder, changes in any way from what is stated in the Application, the Applicant or Permit Holder shall supplement such information in writing within thirty (30) days from the date upon which such change occurs.
 - b. An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge or indictment, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, the Permit Holder, or any owner, principal officer, director, manager, or employee within ten (10) days of the date when the Applicant, Permit Holder, owner, principal officer, director, or manager has notice of the event.

- c. An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge or indictment, and any criminal conviction, whether a felony, misdemeanor, or any violation of a local law or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of marihuana, the MMMA, the MMFLA, the MRTMA, any building, fire, health, or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of marihuana by the Applicant, Permit Holders, owner, principal officer, director, manager, or employee within (10) ten days of the date when the Applicant, Permit Holder, owner, principal officer, director, or manager has notice of the event.

Section 5. Operational Requirements–Marihuana Establishment. A Marihuana Establishment issued a Permit under this Ordinance and operating in the Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Marihuana Establishments shall comply with all applicable codes, including local zoning, building, and health regulations, except to the extent that they are inconsistent with the MRTMA or this Ordinance. The Establishment must hold a valid local Permit and Michigan Marihuana Establishment License for the type of Marihuana Establishment intended to be carried out on the Permitted Property. The Establishment must also hold both a valid state License under the MRTMA as well as a valid state License and local Permit for the corresponding type of Facility under the MMFLA. The Establishment operator, owner, Licensee or Permit Holder must have documentation available that demonstrates full compliance with all local and State sales tax requirements, including holding any Permits or Licenses, if applicable.
2. *Required Documentation.* Each Marihuana Establishment shall be operated from the Permitted Premises on the Permitted Property. No Marihuana Establishment shall be permitted to operate from a moveable, mobile, or transitory location, except for a Permitted and Licensed Marihuana Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter the Permitted Premises without a parent or legal guardian.
3. *Security.* Applicants and Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
 - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Establishment overnight, except for Marihuana actively grown in a Grower Establishment; and

- d. All Marihuana in whatever form stored at a Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for at least 48 hours by the Permit Holder and made available to any law enforcement upon request for inspection.
4. *Operating Hours.* No Marihuana Retailer shall operate between the hours of 8:00 p.m. and 8:00 a.m.
 5. *Required Spacing.* No Marihuana Establishment shall be located within one-thousand (1,000) feet from any educational institution or school, college or university, church, house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Establishment is commenced, with the minimum distance between uses measured horizontally between the nearest property lines.
 6. *Co-location with Certain Commercial Medical Marihuana Facilities.* A Marihuana Grower, Marihuana Processor, and a Marihuana Retailer may operate from within a single facility operating pursuant to the MRTMA.
 7. *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Establishment shall not exceed that amount permitted by the state License or the Township's Permit.
 8. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Establishment is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
 9. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "Marihuana," "cannabis" and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
 10. *Marihuana Consumption Areas.* Only a Marihuana Retailer Permit Holder may designate areas for the consumption of marihuana. Any such area shall not be accessible to persons under 21 years of age.
 11. *Indoor Operation.* All activities of Marihuana Establishments, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Establishment's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the Permitted Premises.

12. *Distribution.* No person operating a Establishment shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
13. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Licensed Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
14. *Waste Disposal.* The Permit holder, owner and operator of the Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
15. *Transportation.* Marihuana may be transported by a Marihuana Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:
 - a. By Persons who are otherwise authorized by state law to transport Marihuana;
 - b. In a manner consistent with all applicable state laws and rules, as amended;
 - c. In a secure manner designed to prevent the loss of the Marihuana;
 - d. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
16. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Marihuana Establishment special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

Section 6. Penalties and Consequences for Violation. In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.
2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

3. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
4. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 7. Severability. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days following publication or posting after final adoption by the Township Board. This Ordinance shall not take effect unless and until Initiated Law 1 of 2018 is certified as passed and adopted as Michigan Law.

YEAS: Beck, LaFramboise, Hribek, Stalsberg

NAYS: 0

ABSENT/ABSTAIN: Switek

ORDINANCE DECLARED ADOPTED:

Sharon Stalsberg
 Sharon Stalsberg, Pinconning Township Supervisor

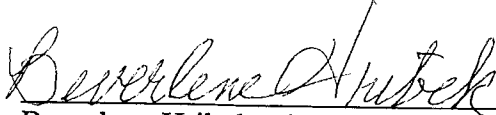
CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Pinconning Township Board at a duly scheduled and noticed meeting of that Township Board held on 11, 13, 2018, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Pinconning Journal newspaper, a newspaper that circulates within Pinconning Township, on Nov 21, 2018.

3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Bay County Clerk on _____, 2018.

ATTESTED:



Beverlene Hribek, Pinconning Township Clerk